IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 558 of 2007

Shri Siddappa Dundappa Karkal .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

Mr.V.S. Deokar for the petitioner.

Mr.C.R. Sonawane, AGP for respondent nos.2 and 4.

Mr.S.G. Kudle for respnodent nos.3.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 5th July 2007.

P.C.:

. Learned counsel for the petitioner states that in view of the statement made regarding

termination of his services, he may be allowed to withdraw the petition with liberty to approach the School Tribunal. He tried to persuade to this Court that the order dated 12th December 2005 terminating his services has not been received by him till today. We do not desire to go into the controversy as to whether the petitioner received the said letter or not. The fact is admitted before us that the services of the petitioner were not approved and naturally therefore, since the services were not approved, the termination order must have been passed by the management. Whether the said order is served or not is disputed question of fact. However, the fact remains as a result of the statement in the affidavit that the petitioner is not in service as on today and therefore we accept the submission seeking leave to withdraw the petition with liberty to approach the School Tribunal.

2. Leave to withdraw is hereby granted with liberty to approach the School Tribunal. We further make it clear that granting permission to withdraw does not mean that we have condoned the delay. The issue of a delay condonation, if at all arises in appeal before the School Tribunal, such issue shall

be decided by the School Tribunal on its own merits after hearing the parties and taking into consideration the provisions of law under section 14 of the Limitation Act 1963.

3. All issues raised in this petition are kept open for being agitated in appeal.

(D.G. KARNIK, J) **(S.B. MHASE, J)**